

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

|   |   |                               |
|---|---|-------------------------------|
| In re: PHARMACEUTICAL INDUSTRY                      | ) |                               |
| AVERAGE WHOLESale PRICE                             | ) |                               |
| LITIGATION  | ) | MDL No. 1456                  |
|   | ) | Civil Action No. 01-12257-PBS |
| _____   | ) |                               |
|   | ) | Hon. Patti B. Saris           |
| <b>THIS DOCUMENT RELATES TO:</b>                    | ) |                               |
|   | ) | Magistrate Judge Marianne B.  |
| <i>United States of America, ex rel. Ven-a-Care</i> | ) | Bowler                        |
| <i>of the Florida Keys, Inc. v. Abbott</i>          | ) |                               |
| <i>Laboratories, Inc.,</i>                          | ) |                               |
| CIVIL ACTION NO. 06-CV-1337-PBS                     | ) |                               |

**EXHIBIT H**  
**to**

**RELATORS' MEMORANDUM OF LAW IN SUPPORT OF ITS**  
**MOTION TO COMPEL ABBOTT LABORATORIES, INC TO**  
**PRODUCE OR CONSENT TO ACCESS TO AND SHARING OF ALL**  
**DISCOVERY PRODUCED BY ABBOTT IN OTHER FALSE PRICE**  
**REPORT LITIGATION**

**THE BREEN LAW FIRM, P.A.**

Attorneys and Counselors at Law

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February 8, 2007

**SENT VIA E-MAIL**

Jason G. Winchester

Jones Day

77 W. Wacker Dr., Suite 3500

Chicago, Illinois 60601-1692

Re: Production of Abbott current and former employee depositions to Ven-A-Care and the United States in *U.S. ex rel. Ven-A-Care of the Florida Keys, Inc v. Abbott laboratories Inc.*, MDL No 1456 Civil Action No. 01-CV-12257-PBS

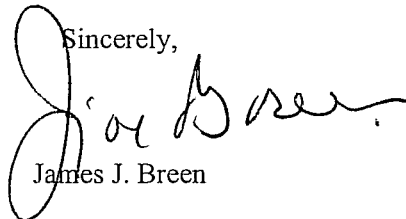
Dear Jason,

During several meet and confer discussions with various Abbott counsel, I have raised the issue of production of depositions of current and former Abbott employees taken in the present MDL as well as other similar actions, such as the *Texas el rel Ven-A-Care v. Abbott* matter pending in Austin. During our discussions we have focused to the greatest extent on the depositions from the Texas Abbott case. However, Abbott has not yet provided clear answers to the following questions:

1. Will Abbott produce, in the present MDL action, copies of depositions (with exhibits) of the current and former Abbott employees that Ven-A-Care and The State of Texas have taken in the Texas Abbott action?
2. Will Abbott agree that Ven-A-Care may provide copies of the depositions referred to in paragraph 1, to the United States for use in this MDL action, subject to the MDL Protective Order?
3. With respect to any of the depositions referred to in paragraph 1, that Abbott refuses to produce or permit Ven-A-Care to produce to the United States, will Abbott agree that Ven-A-Care may file such depositions under seal in support of its Motion To Compel and/or for other appropriate relief?

As you are aware, Ven-A-Care and the United States are proceeding to conduct depositions of current and former Abbott employees and these prior depositions are needed to prepare effectively. Accordingly, I request your response within the next few days.

Sincerely,



James J. Breen

JJB/rs

Cc: Jim Daly

Chris Cook

Renee Brooker, USDOJ